

### AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions of claims in the application.

1-15. (Canceled)

16. (Currently Amended) A herpes simplex virus with a genome that comprises (i) an expressible non-herpes simplex virus nucleotide sequence encoding a ~~desired protein~~ cytokine capable of eliciting an immune response against a tumor cell, and (ii) an alteration in the  $\gamma$ 34.5 gene, wherein ~~said protein is a cytokine~~ the mutation results in a lack of function of the  $\gamma$ 34.5 gene product.

17. (Cancelled)

18. (Previously Presented) The herpes simplex virus of claim 16, further comprising at least one further gene alteration.

19. (Previously Presented) The herpes simplex virus of claim 18, wherein said at least one further gene alteration is in the ribonucleotide reductase gene.

20. (Currently Amended) The herpes simplex virus of claim [[16]] 19, wherein said herpes simplex virus is G207 expressing the cytokine.

18.-27. (Canceled)

28. (Previously Presented) The herpes simplex virus of claim 16, wherein an essential viral gene product of said virus is under the control of a tumor cell-specific promoter rather than its own viral promoter.

29. (Previously Presented) A composition comprising the herpes simplex virus of claim 16 and a pharmaceutically acceptable vehicle for said virus.

30. (Previously Presented) The herpes simplex virus of claim 28, wherein said tumor cell-specific promoter is nestin promoter.

31. (Previously Presented) The herpes simplex virus of claim 28, wherein said tumor cell-specific promoter is basic fibroblast growth factor promoter.

32. (Previously Presented) The herpes simplex virus of claim 28, wherein said tumor cell-specific promoter is epidermal growth factor promoter.